

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

109C0026

SENATE EDUCATION COMMITTEE

ENGROSSED NO. **SB3** - 1/26/99

Introduced by: Senators Rounds, Dunn (Rebecca), Everist, and Hutmacher and Representatives Brown (Richard), Jaspers, Kooistra, Napoli, Solum, and Volesky at the request of the Interim Education Committee

1 FOR AN ACT ENTITLED, An Act to mandate driver's education, to increase certain fees, and
2 to make a continuous appropriation to provide funding.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 13-33 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any school district operating a secondary school shall offer a course in driver's education.

7 The school district may offer driver's education for academic credit, but is not required to do so.

8 A school district may offer driver's education through a contract with another school district or
9 a third-party provider so that driver's education is available to the school district's secondary

10 students. The school district shall allow any person who is a resident of South Dakota and is at
11 least fourteen years of age and less than twenty years of age to enroll in the driver's education

12 course, whether or not the person is a student in the school district. No person enrolled in

13 driver's education courses may be included in a school district's average daily membership for the
14 purpose of state aid to education, unless that person normally attends school in the school

15 district. The course content of the driver's education course shall comply with rules promulgated

1 by the Department of Education and Cultural Affairs.

2 Section 2. That § 32-3-18 be amended to read as follows:

3 32-3-18. Application for a certificate of title shall be made to the secretary, upon a form
4 prescribed by the secretary, containing a full description of the vehicle with vehicle identification
5 numbers, if any, a statement of applicant's title and all liens and encumbrances thereon, the
6 county in which the vehicle is to be kept, the names and addresses of the holders of all liens, title
7 reservations and encumbrances thereon, and any other information as the secretary shall require.
8 The application shall be accompanied by a fee of ~~five~~ eight dollars. If a certificate of title has
9 previously been issued for the motor vehicle, trailer, or semitrailer in this state, it shall be
10 accompanied by the certificate of title duly assigned, unless provided for in this chapter.

11 Section 3. That § 32-12-16 be amended to read as follows:

12 32-12-16. The fee for an original driver's license or a renewal of a license is ~~eight~~ eighteen
13 dollars. The fee for a commercial license is twenty-five dollars if knowledge and skill testing is
14 required and fifteen dollars if no skill testing is required, and five dollars for each endorsement.
15 The fee for a duplicate license, a name change, or an address change is six dollars. The fee shall
16 be credited to the state motor vehicle fund.

17 Section 4. Notwithstanding § 13-42-4, the Department of Education and Cultural Affairs
18 shall issue a stand-alone teacher's certificate to teach driver's education to any person who has
19 completed eight semester hours of driver's education course work at an accredited postsecondary
20 institution.

21 Section 5. The Department of Education and Cultural Affairs and the Department of
22 Commerce and Regulation shall form a task force for the purpose of developing the course
23 guidelines for driver's education in secondary schools. The task force shall make a report of its
24 findings and recommendations to the Executive Board of the Legislative Research Council prior
25 to December 1, 1999.

1 Section 6. That chapter 32-12 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 The Department of Commerce and Regulation may not issue an operator's license to any
4 person under eighteen years of age who has not successfully completed an approved course in
5 driver's education. This section does not apply to instructional or restricted permits.

6 Section 7. The increase in revenue resulting from the fee increases in sections 2 and 3 of this
7 Act shall be deposited into the driver's education reimbursement fund which is hereby created
8 as a separate fund in the state treasury.

9 Section 8. Each school district shall be reimbursed in the amount of one hundred fifty dollars
10 for each student who successfully completes the driver's education course offered by the school
11 district.

12 Section 9. There is hereby continuously appropriated from the driver's education
13 reimbursement fund any money in the fund to the Department of Education and Cultural Affairs
14 for the purpose of reimbursing school districts as provided in section 8 of this Act.

15 Section 10. If the amount of money in the driver's education reimbursement fund is not
16 sufficient to fund the entitlement provided for in section 8 of this Act, then there is hereby
17 appropriated to the driver's education reimbursement fund out of any money in the general fund
18 an amount necessary to fully fund the entitlement provided for in section 8 of this Act.

19 Section 11. The secretary of the Department of Education and Cultural Affairs shall approve
20 vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

21 Section 12. The Department of Education and Cultural Affairs may promulgate rules to
22 provide for the reimbursement to school districts as provided in this Act.

23 Section 13. The Department of Commerce and Regulation may promulgate rules to establish
24 criteria for approved driver's education courses.

25 Section 14. Section 1 of this Act is effective August 15, 2000.

1 Section 15. Section 6 of this Act is effective September 1, 2001.

2 Section 16. That chapter 13-33 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 Any person with a physical disability between the ages of fourteen to nineteen years old,
5 inclusive, who is capable of learning to operate a motor vehicle, including a vehicle modified to
6 be operated by a person with a physical disability, may enroll in any driver's education course
7 offered pursuant to section 1 of this Act. The course, if necessary, shall train the student in the
8 use of a vehicle modified for operation by a person with a physical disability and shall have
9 available adequate equipment and personnel to accomplish such training. Any school district that
10 provides training required pursuant to this section that results in costs in excess of the amount
11 provided pursuant to section 8 of this Act shall be reimbursed for the excess costs from the
12 amount set aside pursuant to § 13-37-40 for extraordinary expenses incurred in the provision of
13 special education programs or services.

1 **BILL HISTORY**

2 1/12/99 First read in Senate and referred to Education. S.J. 15

3 1/21/99 Scheduled for Committee hearing on this date.

4 1/21/99 Education Deferred to another day.

5 1/26/99 Scheduled for Committee hearing on this date.

6 1/26/99 Education Do Pass Amended, Passed, AYES 5, NAYS 2. S.J. 191